



Montana Public Safety Officer Standards & Training Council

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Synopsis of POST 2017 Legislative Package

Coroner Statutes: POST proposes changes to §§ 7-4-2901, 7-4-2904, and 7-4-2905, MCA to clarify that the Montana POST Council oversees the basic requirements for coroners, not the attorney general. The changes also make minor clarifications regarding deputy coroners' training requirements and changes to style.

§ 7-32-303, MCA: POST proposes a number of changes to § 7-32-303 to clarify the requirements for peace officers' appointment and training in Montana. Subsection (2)(g) is amended a great deal to clarify the requirements for the mental health and physical evaluations. The amendments also provide for individuals licensed under Title 37 to provide physical examinations. This adds flexibility for agencies to perform the required evaluations. Subsection (5) was widely amended to clarify the requirements for basic and basic equivalency for Montana peace officers. Amendments to (8) clarify that officers may operate without a basic certificate, as long as they will become eligible for such certificate once they have met the basic training and probationary period requirements.

§ 7-32-240, MCA: Amendments to this statute ensure that only officers from Montana who choose to become reserve officers after resigning or retiring in Montana retain their basic certification status. The amendments also provide clarity regarding who may retain such status when, and make changes to style.

Felony Probation & Parole, Misdemeanor Probation and Pretrial Services: POST proposes amendments to various statutes regarding these officers. First, § 46-23-1003, MCA is amended to clarify that this statute provides requirements for felony probation and parole officers. It is also amended to add clarity. Next, § 46-23-1005, MCA has been amended to clearly define misdemeanor probation officers as public employees, not employees of private entities. The amendments would allow the Montana POST Council to approve a basic training program that is specific to misdemeanor probation officers. POST has proposed a new statute, § 46-9-122, MCA, to define pretrial services officers and clarify that they are public employees and to allow the Montana POST Council to approve a basic training program that is specific to pretrial services officers. Amendments to §§ 46-9-108 and 46-9-505 accommodate the new definitional statute.

Title 44, Chapter 4, Part 4: POST proposes amendments to § 44-4-401, MCA to clarify the definition of a "public safety officer." The amendments to § 44-4-403, MCA are intended to clarify what POST does to "provide for the certification or recertification" (current statutory language) of public safety officers. The amendments also provide that an officer whose certification has been revoked or suspended may not become certified in another discipline and that the council may delegate any of its duties to its staff. Finally, § 44-4-404, MCA's amendments clarify that officers must be able to become eligible for certification after they have met the basic training and probation requirements. It also makes it a misdemeanor to act as a public safety officer if the officer's certification has been suspended or revoked.